

REMARKS

This Amendment is responsive to the official action dated March 16, 2006. Claims 1-13, 15-19, 21-83, and 85-96 were pending in the application. In the official action, claims 27-64 and 71-77 were withdrawn from consideration, claims 18, 19, 26, and 65-70 were allowed, claims 1-3, 9, 12, 17, 21-25, 78-83, 85-89, and 94 were rejected, and claims 4-8, 10, 11, 13, 15, 16, 90-93, 95, and 96 were objected to. In this Amendment, claims 1, 21, 22, 78-83, and 85-89 have been amended. Claims 1-13, 15-17, 21-25, 78-83, and 85-96 thus remain for consideration.

Applicants submit that claims 1-13, 15-17, 21-25, 78-83, and 85-96 are in condition for allowance and request withdrawal of the rejections in light of the following remarks.

§101 Rejections

Claims 78-83 and 85-88 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 78-83 and 85-88 have been amended to be drawn to a "record medium" encoded with a data structure. As stated in the Manual of Patent Examining Procedure:

a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

(MPEP 2106 IV B 1(a))

Accordingly, Applicants submit that claims 78-83 and 85-88 are directed to statutory subject matter and request that the rejections under §101 be withdrawn.

§112 Rejections

Claims 21-25 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Applicants submit that the amendments to claims 21 and 22 render claims 21-25 compliant with §112. Accordingly, Applicants request that the rejections under §112 be withdrawn.

§102 Rejections

Claims 1-3, 9, 12, 17, 78, 79, 89, and 94 were rejected under 35 U.S.C. §102(e) as being anticipated by Yoshimoto et al. (U.S. Patent No. 6,526,019).

Applicants submit that independent claims 1, 78, and 89 are patentable over Yoshimoto.

Applicants' invention as recited in claims 1, 78, and 89 is directed toward a record medium. The record medium has recorded thereon content data and a plurality of types of management information. The claims specify that "the plurality of types of management information includes information indicative of whether or not the content data can be copied from the record medium." Supporting disclosure can be found in the specification at, for example, page 20, lines 3-10.

Yoshimoto is directed toward determining whether or not areas of an optical disk are rewritable (see e.g. Yoshimoto col. 5, lines 44-56). Yoshimoto does not disclose a record medium for storing content data and a plurality of types of management data, wherein the plurality of types of management information includes information indicative of whether or not the content data can be copied from the record medium. Accordingly, Applicants believe that claims 1, 78, and 89 are patentable over Yoshimoto on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicants believe that dependent claims 2, 3, 9, 12, 17, 79, and 94 are patentable over Yoshimoto for at least the same reasons as discussed in connection with independent claims 1, 78, and 89.


Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

The Examiner's consideration of this matter is gratefully acknowledged.

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Respectfully submitted,

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